

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Edward M. Johnson
TOMOYA YAMAMOTO, et al.)	
	:	Group Art Unit: 1793
Application No.: 10/820,029)	
	:	
Filed: April 8, 2004)	
	:	
For: POWDER MATERIAL,)	
ELECTRODE STRUCTURE,	:	
PRODUCTION PROCESSES)	
THEREOF, AND SECONDARY	:	
LITHIUM BATTERY)	December 8, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF PREVIOUSLY-CITED DOCUMENTS

Sir:

Applicants have not received an indication that documents cited in the Information Disclosure Statement filed April 8, 2004 have been considered and made formally of record.

In this regard, the Patent Office incorrectly identified the Information Disclosure Statement as "Foreign Reference" in the Image File Wrapper of the subject application.

The Information Disclosure Statement cites documents that were cited in parent Application No. 09/238,551. As such, copies of the documents were not provided. See MPEP § 609.04(a)(II).

It is respectfully requested that the Examiner indicate that the cited documents have been considered and made formally of record by returning an initialed copy of the Form PTO-1449 that accompanied the Information Disclosure Statement. A copy of the Form PTO-1449 is attached, for the Examiner's convenience.

This Request results directly from the USPTO's mishandling of papers properly filed in this case. Accordingly, even though this Request is being filed after allowance, it cannot properly be said that Applicants have "failed to engage in reasonable efforts to conclude prosecution of the application" (see 35 U.S.C. § 154). Accordingly, Applicants should not be penalized with a reduction in patent term in spite of the provisions of 37 C.F.R. § 1.704(c)(10).

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,

/Damond E. Vadnais/
Damond E. Vadnais
Attorney for Applicants
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary) Date Submitted to PTO: April 8, 2004				ATTY DOCKET NO. 03500.013292.1		APPLICATION NO. Unassigned (Divisional of U.S. Appln. No. 09/238,551, filed January 28, 1999)	
				APPLICANT Tomoya YAMAMOTO, et al.			
				FILING DATE April 8, 2004 (Concurrently herewith)		GROUP 1754	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,908,716	06/01/1999	Barker	429	218.1	
		5,910,382	06/08/1999	Goodenough et al.	429	218.1	
		5,919,587	07/06/1999	Mukherjee et al.	429	213	
		5,665,491	09/09/1997	Tomiyama et al.	429	194	

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		6-223818	08/12/1994	Japan			
		8-130011	05/21/1996	Japan			
		8-171900	07/02/1996	Japan			
		8-250119	09/27/1996	Japan			

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)	
	A.N. Dey et al., "The Electrochemical Decomposition of Propylene Carbonate on Graphite", J. Electrochem. Soc., vol. 117, no. 2, pp. 222-224 (1970).
	K.S. Nanjundaswamy et al., "Synthesis, redox potential evaluation and electrochemical characteristics of NASICON-related-3D framework compounds", Solid State Elec., vol. 92, pp. 1-10 (1996).
	Ouvrard G., et al. "Structural, Physical and Electrochemical Characteristics of a Vanadium Oxsulfide, a Cathode Material of Lithium Batteries", Journal of Power Sources, vol. 54, no. 2, pp. 246-249, April (1995).
	Y. Chabre, et al. "Lithium Electrochemical Intercalation in β -VOSO ₄ , Journal of Alloys and Compounds", vol. 262-263, no. 6, pp. 34-38, November (1997).

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5,922,491	07/13/1999	Ikawa et al.	429	218	
		6,022,640	02/08/2000	Takada et al.	429	231.95	
		4,251,606	02/17/1981	Haering et al.	429	194	

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ OR ABSTRACT
		0 813 256	12/17/1997	Europe			
		0 825 663	02/25/1998	Europe			
		39 41 895	05/29/1991	Germany			

OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)	
	J. Gaubicher et al., "Lithium electrochemical intercalation in β-VOSO₄", J. Alloys and Cmpds., vol. 262-263, pp. 34-38 (1997).
	A. Gilmour, "A novel rechargeable lithium composite cathode system", J. Power Sources, vol. 65, pp. 241-245 (1997).
	M. Stanley Whittingham, et al. "The Intercalation and Hydrothermal of Solid Electrodes", Solid States Ionics, vol. 94, no. 1, pp. 227-238 (1997).
	Thomas Chirayil, et al. "Hydrothermal Synthesis and Characterization", Solid States Ionics, vol. 84, no. 3, pp. 163-168 (1996).

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